MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2015/2016

UIF 2612 – ISLAMIC FAMILY LAW

(All sections / Groups)

1st JUNE 2016
Reading Time: 9.00 A.M. - 9.15 A.M.
(15 Minutes)
Answering Time: 9.15 A.M. – 12.15 P.M.
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Students are allowed to bring the unmarked and clean copy of **ISLAMIC FAMILY LAW (FEDERAL TERRITORIES) ACT 1984** and **THE TRANSLATION OF THE HOLY QURAN** into the examination hall.

4. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Zali was a single father with 3 children. Last month, he met Mona in a seminar and showed interest to marry her. Mona was a divorcee and had 2 children. While they were preparing for their marriage, they later found out that Zali's son, Ahmad and Mona's first daughter, Marisa, were in love with each other and planned to get married too. However, Mona was of the opinion that her marriage to Zali would prohibit the marriage between Ahmad and Marisa.

In the meantime, Mona's second daughter, Mardiah was divorced by her husband a month ago. Recently, in a school reunion, she met an old friend, Zaki and he proposed her hands in marriage. Her mother, Mona, disagreed and asked her to reconcile with her husband. She refused because she thought that they are not allowed to reconcile after divorce.

Zali's daughter, Maina, is a lecturer at a private college in Kuala Lumpur. Zali wanted to marry her with his lawyer nephew, Rahman. Maina was not agreeable to the proposal by saying that Zali has no right to force her to a marriage. She wished to marry Halim whom she met while attending a conference in Japan. Nevertheless, later they found out that Halim was actually the husband of Zali's long lost sister, Salbiah.

Advise the parties on the validity of marriage and some misconceptions on Islamic family law.

(Total: 25 marks)

QUESTION 2

In the event of dissolution of marriage, there are some ancillary claims that a wife is entitled to, as provided by Islamic Family Law. Elaborate on each claim, together with its rationale and discuss if there are any circumstances that a wife may be disqualified from any of the claims.

(Total: 25 marks)

QUESTION 3

Nona was married to Helmi for 10 years. During their third year of marriage, Helmi had divorced Nona with one talaq. They later reconciled during the period of *iddah* and resumed the original married state. They were blessed with three beautiful kids.

Last year, Nona found a message from a woman at Helmi's hand phone. Nona asked Helmi to explain but he denied about having any relationship with her. Since then, they argued frequently at home and even during telephone conversation. One day, Helmi felt that he could not tolerate arguments any longer. He later said to his wife, "I divorce you with one *talaq*".

After that, Nona went back to her parents' house. A friend told her that this time she could not reconcile with her husband because she was divorced once. She still loves her husband but is so confused about her marriage status.

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Her mother, Aminah also thought the same way and would like to match make her with her friend's son after her *iddah* period expires. In the meantime, Helmi who also wants to reconcile with her was turned down by Aminah. Helmi said that, actually he has no intention to divorce Nona.

i) Advise the parties.

(20 marks)

ii) Would your answer differ, if Helmi said, "Mind your own business and do not interfere with my business. Go back to your parents' house and there is nothing between us".

(5 marks)

(Total: 25 marks)

QUESTION 4

Discuss the following from Islamic point of view:-

i. Pronouncement of 3 *talaqs* in one occasion

(10 marks)

ii. *Ruju'* or Reconciliation

(7 marks)

iii. Presumption of death

(8 marks)

(Total: 25 marks)

QUESTION 5

Liza and Ridzuan were blessed with 2 children after 8 years of marriage. They lived happily in Bandar Manjalara, Kuala Lumpur at Ridzuan's house. Ridzuan was a loving and caring father and husband to the family. He worked as an Assistant Manager at Family Stores Sdn Bhd. and was the sole breadwinner of the family.

Last two years, Ridzuan's attitude changed drastically. He became a fierce and bad-tempered person. He always scolded and abused Liza and the children unnecessarily and caused physical injuries to them. Later he was diagnosed with AIDS as a result of drug addiction.

Feeling sad with the disease, he went out from the house and left his family without any maintenance for a period of more than 6 months. Liza who was a housewife before had to find a job to maintain the family. She could not bear with the situation anymore.

Advise her on any options available for termination of marriage and claims pertaining to the children upon dissolution of marriage.

(Total: 25 marks)
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